

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CRIMINAL CASE NO. 1:12cr50

UNITED STATES OF AMERICA, )  
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                                )  
                                )  
vs.                           )      O R D E R  
                               )  
                               )  
DEREK LAMONT DAVIS.        )  
                               )

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**THIS MATTER** is before the Court on the Defendant's Motion to Dismiss Counts One and Two of the Indictment [Doc. 12].

On October 2, 2012, the Government filed a Superseding Bill of Indictment against the Defendant. [Doc. 15]. Accordingly, the Defendant's Motion to Dismiss is denied as moot.

**IT IS, THEREFORE, ORDERED** that the Defendant's Motion to Dismiss Counts One and Two of the Indictment [Doc. 12] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

Signed: October 3, 2012

  
Martin Reidinger  
United States District Judge

